

FISCAL MEMORANDUM

HB 1141 – SB 1881

April 23, 2007

SUMMARY OF AMENDMENTS (005673, 006620, 006621):

Deletes the original bill in its entirety. Requires all proceeds from forfeitures of conveyances, real property or personal property used in the commission of a sexual offense defined in Tenn. Code Ann. § 39-13-5 to be deposited in the Child Abuse Fund. Authorizes a county sheriff to collect an additional \$10 fee for the booking and processing of each person subject to arrest or summons. Authorizes certain Board of Probation and Parole officers who serve warrants to carry a handgun in the performance of their duties.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures - \$103,200/State Prosecution Fund
Decrease Local Govt. Expenditures – Not Significant

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENTS:

Increase State Expenditures – \$300,000

Increase Local Govt. Revenues – Exceeds \$500,000

Assumptions applied to amendment:

- According to the Board of Probation and Parole, they received an improvement request in 2006 for the establishment of a specialized absconder unit pilot project that included funded positions, training and equipment. Therefore, no additional resources would be needed under this bill.
- This amendment contradicts the limitation of Tenn. Code Ann. § 8-21-901(b), which limits any fees assessed against the State to the fee amounts allowable immediately prior to May 28, 1977. Assuming that this new law is given effect by the courts as a later enactment, the state will incur a cost to the state prosecution fund for payment of this fee in indigent cases.
- According to the Department of Correction, the state paid a total of \$323,500 in FY05-06 for various fees in cases of indigency, the vast majority of which were arrest fees. Assuming that all counties implement the new fee, it is estimated that local government revenues will increase by an amount exceeding

\$500,000, of which \$300,000 will be paid by the state through the state prosecution fund.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" and last name "White" clearly distinguishable.

James W. White, Executive Director

/LSC